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Clk. Sup Ct. U. S.

SUPREME COURT OF THE UNITED STATES.

No. ~~249.~~ 128

THE SCHOONER BAIGORRY AND CARGO, BERNARD RENAUD, CLAIM'T AND APP'T,

vs.

THE UNITED STATES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA.

GOVERNMENT PRINTING OFFICE.

Mar 8

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proceedings being had, the said vessel, the Baigorry, together with her tackle, apparel, furniture, and cargo, be condemned, forfeited, and sold, and the proceeds distributed according to law.

(S'd) THOS. J. BOYNTON,
U S Att'y, S. D. of Fla.

Let monition and attachment issue, returnable June 20th, 1862.
3 June 17th, 1862.
(S'd) WM. MARVIN, *Judge.*

Whereupon, on the eighteenth day of said month of June, in pursuance of the foregoing order of court, an attachment was issued to the marshal for said district, directing him to attach, seize, and take into his custody the said vessel, the Baigorry, her tackle, apparel, furniture, and cargo, and to safely keep the same until the further order of this court, which attachment was afterwards returned thereon; endorsed, is on file in the clerk's office.

Also, on the same day, in pursuance of the said order, a monition was issued to the said marshal, commanding him forthwith to cite and admonish all persons whomsoever having or pretending to have any right, title, claim, or interest in or to the said vessel, the Baigorry, her tackle, apparel, furniture, and cargo, to appear at an admiralty session of said court to be held at the court-rooms of said court, at Key West, in said district, on Friday, the twentieth day of June, A. D. 1862, at ten o'clock in the forenoon of that day, to show cause, if any they have, why forfeiture should not be decreed according to the prayer of said libellant, which monition was afterwards returned by him duly served, and, with the return thereon endorsed, is on file in the clerk's office.

4 Afterwards, to wit, on the twentieth day of said month of June, Bernard Renaud, master of said vessel, appearing, files his claim to said vessel, in the words and figures following, to wit:

U. S. district court, southern dist. of Florida.

THE UNITED STATES *et al.*
vs.
THE SCHOONER BAIGORRY and cargo. } Claim in admiralty.

And now comes Bernard Renaud and says that he is the master of said schooner Baigorry, and as such, is the lawful bailee of the said schooner, her tackle, apparel, and furniture, and of her cargo, and he claims the same for the respective owners thereof; and he further says that Frederick Thurstead, a British subject, residing at New Orleans, is the only true and *bona fide* owner of the said schooner, as he is informed and believes, and as appears by the register of the said schooner; and he further says that he is informed and believes that the cargo of said schooner is owned by different persons residing in New Orleans, who are the subjects of

the Emperor of France, and whose names are unknown to him, and was shipped by one Justin Durel, as agent for the said owners, and consigned to French merchants in Havana, for sale on account of said French subjects residing in New Orleans.

(S'd) B. RENAUD.

Sworn to before me this 20th day of June, 1862.

(S'd) GEORGE D. ALLEN, *Clerk.*

5 Whereupon, it was ordered the testimony taken in preparatorio before the prize commissioner be opened and published for the benefit of all concerned.

Afterwards, to wit: on Tuesday, the twenty-fourth day of said month of June, the monition in this cause having been heretofore returned served, and the case being called in its order, proclamation was thereupon ordered and duly made, when Bernard Renaud, master of said vessel, appears by W. C. Maloney, esq., his proctor, and Thomas J. Boynton, esq., attorney of the United States, appears on behalf of the United States and captors.

The parties being ready for trial, the court proceeds to hear this cause upon the allegations of the libel, the papers, letters, documents, and writings found on board said vessel, and the claim and pleadings annexed.

Mr. Boynton argued for the United States and captors, and Mr. Maloney for the claimants.

The counsel having been fully heard, the premises were thereupon submitted.

Afterwards, to wit: on Wednesday, the second day of July, in the year, the parties to this cause appearing, the court pronounces its decree in this cause, in open court, in the words and figures following, to wit:

THE UNITED STATES
vs.
THE SCHOONER BAIGORRY AND CARGO. } Prize.

6 This vessel and cargo having been captured on the high seas by the United States armed vessel the Bainbridge, and sent into this port for adjudication, and it appearing to the court that this vessel and cargo were at the time of the capture enemy property, it is therefore ordered and decreed that the said vessel and cargo be condemned and confiscated to the United States as prize of war.

(S'd) WM. MARVIN, *Judge.*

Whereupon, in open court, the claimant gives notice of an appeal from the foregoing decree to the Supreme Court of the United States.

Afterwards, to wit: on the fourth day of August, in the said year, by consent of parties, the following order was made and entered in this cause, to wit:

THE UNITED STATES
vs.
THE BAIGORRY AND CARGO.

A decree of condemnation having been rendered in this cause, and the claimants having taken an appeal to the Supreme Court of the United States:

Ordered, by consent of parties, that Josephus S. Packer and Edward C. Howe be appointed appraisers of said vessel and cargo, and that they make their report of appraisement with all convenient dispatch; that the marshal proceed to advertise and sell said
7 vessel at public auction in this market; that he transmit said cargo to New York, insuring the same at the appraised valuation, and sell the same at public auction in that market, and bring the proceeds into the registry of the court.

(S'd) WM. MARVIN, *Judge.*

On the fifth day of said month of August, the claimant in this cause having deposited in the clerk's office the sum of two hundred and fifty dollars for costs and damages on appeal taken from the final decree of the court:

8 It is ordered that said appeal be accordingly allowed.

On the hearing of this cause, the following depositions,
9 papers, documents, letters and writings were read in evidence:

Deposition of Bernard Renaud, at the district court rooms, Key West, before George D. Allen, prize commissioner, June 16th, 1862.

1st interrogate. To the first interrogatory deponent answers that he was born in France; he now lives in New Orleans; has resided there since the year 1853. He has been naturalized as a citizen of the United States, and subsequently has applied to become a citizen again of France, to wit, in 1853. He owes allegiance now to the French government. He is married; wife and child live in New Orleans.

2d interrogate. To the second interrogatory deponent answers that he was present.

3d interrogate. To the third interrogatory deponent answers that she was taken on the 9th day of June, in lat. about 23° 25′ N., long. about 83° 30′ W. She was taken to Key West. She had no commission or letters authorizing her to make prizes. He was told by the captain of the Bainbridge that he thought her papers were not regular.

4th interrogate. To the fourth interrogatory deponent answers that she sailed under the English colors. She had the Spanish flag on

board, which was on board to be used on special occasions in the Spanish ports.

5th interrogate. To the fifth interrogatory deponent answers
10 that no resistance was made to the seizure; no guns were fired. The brig Bainbridge made the capture; no other vessels in sight at the time. The Baigorry is a merchant vessel. The Bainbridge is a ship-of-war, American, as represented.

6th interrogate. To the sixth interrogatory deponent answers that he don't know what commission the Bainbridge had; she made the capture alone. The Baigorry has not been condemned to his knowledge.

7th interrogate. To the seventh interrogatory deponent answers that he first took possession and command of the vessel at Grand Caillon, on the coast of Louisiana, about the month of December, 1861. A. Minuet, the owner, appointed him to the command at New Orleans, and delivered her to him at Grand Caillon. He was reappointed to the command about the month of January, 1862, by Frederick Thensteed, her present owner, in Havana. Her name is the Baigorry; himself was master.

8th interrogate. To the eighth interrogatory deponent answers that the Baigorry is one hundred and three tons burthen; ten, all told, belonged to her; all on board when she was taken. Some were French, some Italians, some Spanish. The mate is American. All came on board the vessel about the 20th of April, at Calcassieu; they were hired by his order in New Orleans about the 16th of
11 April.

9th interrogate. To the ninth interrogatory deponent answers that he was captain of the Baigorry; neither himself nor any of the crew of the vessel owned any part or share of the vessel or her cargo. The chronometer, spy-glass, and nautical instruments and charts belonged to himself.

10th interrogate. To the tenth interrogatory deponent answers that he first saw the vessel about the month of November, 1861, at Grand Caillon, on the coast of Louisiana. She had no guns. She had twelve men, all told, passengers included. She was an American built vessel; her name is the Baigorry. She has been called by that name since the month of January last. She was previously called the "Three Brothers," and formerly the "G. W. Goodwin."

11th interrogate. To the eleventh interrogatory deponent answers that she was bound to Havana. The voyage began at Calcassieu and would have ended at Havana unless the port of New Orleans should be opened. She had cotton on board when she left Calcassieu, and the same on board when she was taken, which was put on board in April and May, 1862. She had no other lading but cotton on board.

12th interrogate. To the twelfth interrogatory deponent answers that she had papers issued at the British consul in Havana, and a manifest of her cargo certified by the Spanish consul at New
12 Orleans. She made a voyage from Grand Caillon to Havana, and thence to Calcassieu last before the voyage on which she was taken. Her voyage on which she was taken began at Calcassieu

and would have ended at Havana unless the port of New Orleans had been opened. She carried cotton from Grand Caillon to Havana and brought groceries, shoes, clothing, medicines and nine to Calcassieu. She took cotton at Calcassieu, which was on board when she was taken, which was put on board in April and May. She went to sea from Calcassieu, the 26th of May.

13th interrogate. To the thirteenth interrogatory deponent answers that she had two hundred and fifty bales of cotton on board when taken and the same when she left Calcassieu.

14th interrogate. To the fourteenth interrogatory deponent answers that Frederick Thensteed owned the vessel; he is a British subject by birth; he lives now in New Orleans; his family live there; he has known him there some five or six years; he don't know how long he or his family have lived in New Orleans. He formerly lived in the British West Indies. The cargo is owned by several French citizens residing in New Orleans.

15th interrogate. To the fifteenth interrogatory deponent answers that he gave a bill of sale for the vessel, as agent for A. Mi-
13 nuet, in Havana, about the month of January, 1862, to Frederick Thensteed, in presence of the English consul. He last saw the bill of sale in the British consul's office at Havana. No other engagement was made.

16th interrogate. To the sixteenth interrogatory deponent answers that the cargo was put on board at Calcassieu in April and May, 1862. Justin Durel, of New Orleans, shipped the cargo; several French citizens residing at New Orleans owned the cargo. It was consigned to Messrs. Charles Caro & Co., Havana, to be delivered at Havana, for and on the account, risk, and benefit of the company of French citizens before mentioned. The cargo consists of 250 bales of cotton, and if restored, did and would belong still to them and no one else.

17th interrogate. To the seventeenth interrogatory deponent answers that two bills of lading were signed for the cargo, both true and fair like the one on board.

18th. interrogate. To the eighteenth interrogatory deponent answers that she had a bill of lading, manifest of the cargo, and the vessel's papers at the time of her capture, which were delivered to the officers of the Bainbridge who came on board. He has not seen them since.

19th interrogate. To the nineteenth interrogatory deponent answers that she was in lat. about 23° 25′ N., long. about
14 83° 30′ N., when taken on the 9th day of June, about 5 o'clock in the morning. There was no charter party.

20th interrogate. To the twentieth interrogatory deponent answers that there was a bill of lading, manifest of cargo, and vessel's papers on board, all of which were given to the officer from the Bainbridge; none were destroyed in any manner or concealed.

21st interrogate. To the twenty-first interrogatory deponent answers, that he knew that the city of New Orleans had been taken by the United States before the vessel left Calcassieu. He had

information before going to sea that the United States naval vessels had allowed vessels to go from Berwick's bay to Sabine, after being visited.

22nd interrogate. To the twenty-second interrogatory deponent answers that he knew that there had been an order of blockade of the ports of the State of Louisiana. He thought the ports of the State were open after the capture of New Orleans. He wished to go to New Orleans for a clearance from the United States authorities, but was not allowed to pass through the country by the confederates.

23rd interrogate. To the twenty-third interrogatory deponent answers that the register of the vessel had not been examined by any officer of the United States after he took command of her in December, 1861, before the capture.

15 24th interrogate. To the twenty-fourth interrogatory deponent answers that she has not attempted to go into or come out from any port without success, in consequence of blockading vessels.

25th interrogate. To the twenty-fifth interrogatory deponent answers that she has not been before seized.

26th interrogate. To the twenty-sixth interrogatory deponent answers that he would lose his portion of the earnings of the vessel if she is condemned. He was to have had a part of the earnings of the vessel instead of a salary. No indemnity or satisfaction, or promise of satisfaction, has been received for the loss he may sustain.

27th interrogate. To the twenty-seventh interrogatory deponent answers that there is no insurance on the vessel or cargo to his knowledge.

28th interrogate. To the twenty-eighth interrogatory deponent answers that the chance of a market would have been at the risk of the company of French citizens resident at New Orleans who owned the cargo.

29th interrogate. To the twenty-ninth interrogatory deponent answers that the cargo was bought in New Orleans.

30th interrogate. To the thirtieth interrogatory deponent answers that the cargo was taken on board from a schooner which brought it down the Calcassieu river from City Bluff. It was brought from New Orleans to Washington by a steamboat, then hauled by wagons to City Bluff. The cargo was taken on board between the last of April and the 10th of May, at the mouth of the Calcassieu river.

16 31st interrogate. To the thirty-first interrogatory deponent answers that he don't know of any papers or letters of any kind relating to the vessel or cargo, other than those which were on board of her, except the bill of sale at Havana.

32nd interrogate. To the thirty-second interrogatory deponent answers that he delivered the papers of the vessel to the officers of the Bainbridge at the time of capture; he don't know where they are now.

33d interrogate. To the thirty-third interrogatory deponent answers, that bulk was not broken.

34th interrogate. To the thirty-fourth interrogatory deponent

answers that there were two passengers on board, P. A. Giamarchi and Antoni Pignard, both French. Mr. Giamarchi is a professor of languages and science, resident at New Orleans; Mr. Pignard is a steward, lives at New Orleans; both came on board at Calcassieu, and were going to Havana for the benefit of health. They had no interest in or control over the vessel or cargo. No one secreted on board. He never knew the residence of any of the crew but they were shipped all at New Orleans. The cook's wife called on him in New Orleans for her husband's advance, which is all that he knows about the residence of any of the crew.

35th interrogate. To the thirty-fifth interrogatory deponent answers that all the papers were true and fair; he knows of
17 nothing to affect their credit. Frederick Thensteed, the owner, obtained the papers from the British consul at Havana, in January, 1862. Mr. Thensteed, the owner, made oath to the ownership. He don't know how long the papers were to last; the fees were paid for them. The vessel was at Havana when the papers were obtained there. Himself made oath to the manifest of the cargo now on board at New Orleans. Both the passengers had passports issued by the French consul at New Orleans, and used by the Spanish consul there, to permit them to go to Havana. He knows of no papers relating to the vessel or cargo, other than those before mentioned. He only signed the bills of lading and manifest of the cargo.

36th interrogate. To the thirty-sixth interrogatory deponent answers that he first saw the Bainbridge the evening before the capture. The Baigorry was then steering southeast; there was very little wind. He changed the course after he saw the Bainbridge was waiting for him, to avoid her. The Baigorry had not headed for any other port, after leaving Calcassieu, than Havana; she had pursued her course the most direct the wind would permit from Calcassieu towards Havana. He had not seen any other United States man-of-war on the voyage.

37th interrogate. To the thirty-seventh interrogatory deponent answers that A. Minuet, of New Orleans, bought the vessel in October or November, 1861, at Grand Callon, from a carpenter. He
18 don't know for what sum or consideration. He believes it was a true and *bona fide* sale. He sold her by power of attorney for that purpose from A. Minuet, at Havana, in January, 1862, to Frederick Thensteed; he don't remember the sum or price for which she was sold. Messrs. Charles Caro & Co. received the payment of the vessel; he believes it was a true and *bona fide* sale of the vessel, and if restored, she would still belong to Frederick Thensteed, and no one else.

38th interrogate. To the thirty-eighth interrogatory deponent answers that she had no guns mounted on board; no arms but the private arms of himself and one passenger; no other articles of the kinds enquired about on board.

39th interrogate. To the thirty-ninth interrogatory deponent answers that he believes that Frederick Thensteed, of New Orleans, owned the vessel, and a company of French citizens residing at New

Orleans owned the cargo. She was going to Havana to deliver the cargo there.

40th interrogate. To the fortieth interrogatory deponent answers that she had no convoy; he had no instructions of any kind.

41st interrogate. To the forty-first interrogatory deponent answers that when he was going from Havana towards the coast of Louisiana in February last he saw some blockading vessels, but did not
19 speak any. He had no fixed port of destination. He did not see any blockading vessels off Calcassieu when he entered there. He saw a steamer passing along a distance from the coast once while the Baigorry was at Calcassieu, but did not see any blockading vessel when he came out.

42d interrogate. To the forty-second interrogatory deponent answers, no.

43rd interrogate. To the forty-third interrogatory deponent answers, no.

1st additional interrogate. To the first additional interrogatory deponent answers that she would have entered the port of Havana had she not been seized. If the port of New Orleans had been opened she would have gone to that port next.

2d additional interrogate. To the second additional interrogatory deponent answers that she draws five feet and a half, and is fully loaded with cotton.

3rd additional interrogatory. To the third additional interrogatory deponent answers that he has not heard any one say anything about her running or breaking any blockade after she had been to Havana on this trip.

(Signed) B. RENAUD.

Sworn and subscribed before me this 16th day of June, 1862.

(Signed) GEORGE D. ALLEN,
Prize Commissioner.

20 *Deposition of Augustus Williamson at the district court rooms, Key West, before George D. Allen, prize commissioner, June 17th, 1862.*

1st interrogate. To the first interrogatory deponent answers that he was born in Brooklyn, State of New York. He now lives in New Orleans; has lived there since 1852. He is a citizen of the United States; owes allegiance to the United States; is married; wife and family live in New Orleans, State of Louisiana.

2d interrogate. To the second interrogatory deponent answers that he was present at the time of capture.

3rd interrogate. To the third interrogatory deponent answers that she was captured on Monday, the 9th day of June, at daylight. She was about one hundred miles from Havana, which place bore south-east by east. She was taken to Key West. She had no commission. The captain of the Bainbridge said he could not let the vessel pass with such papers.

4th interrogate. To the fourth interrogatory deponent answers that she sailed under the English colors. She had a Spanish flag on board. He don't know why she had the Spanish flag.

5th interrogate. To the fifth interrogatory deponent answers that no resistance was made to the seizure; no guns fired. The Bainbridge made the capture. He did not see any other vessel at the time.
21 The Baigorry is a merchant vessel. The Bainbridge is a United States brig-of-war of seven guns.

6th interrogate. To the sixth interrogatory deponent answers that he did not see the commission of the Bainbridge; she made the capture alone. He don't know whether the Baigorry has been condemned or not.

7th interrogate. To the seventh interrogatory deponent answers that her name is the Baigorry; B. Renaud was master; he had a store at New Orleans in April last; he stated that he was French—born in France. He knows nothing further about him, nor who appointed him to the command, nor where or when.

8th interrogate. To the eighth interrogatory deponent answers that the Baigorry is about one hundred and twenty-five tons, American measurement, as near as he can judge. She had ten, all told, belonging to her; all on board when she was taken. All joined her at Calcassieu Pass the 27th of April. Some of the men are French, some Italians, some Spanish. They were shipped by order of the master in New Orleans on the 13th of April.

9th interrogate. To the ninth interrogatory deponent answers that he belonged to the vessel; was mate. He did not own any part or share or interest in the vessel or cargo; he don't know of any of the officers or crew of the vessel who did own any part or share in the vessel or cargo.

10th interrogate. To the tenth interrogatory deponent answers that he has known the vessel since the 27th of April last; first saw
22 her at Calcassieu Pass; she had no guns. She had twelve men passengers included on board. He believes she was an American built vessel; her name is the Baigorry; he has heard that she has been called the "Three Brothers."

11th interrogate. To the eleventh interrogatory deponent answers that she was bound to Havana. The captain said he would go to New Orleans from Havana if that port was open. The voyage began at Calcassieu; he cannot tell where the voyage would have ended. She had cotton on board when she left Calcassieu, and the same on board when taken, which was put on board between the 27th of April and 3d of May, 1862. She had no article but cotton on board.

12th interrogate. To the twelfth interrogatory deponent answers that he never saw her papers. The voyage on which she was taken began at Calcassieu. He cannot tell where the voyage would have ended unless the vessel returned to New Orleans. He cannot tell what cargoes she has carried, except the one now on board. She sailed from Calcassieu Pass on the 26th of May.

13th interrogate. To the thirteenth interrogatory deponent answers that she had 250 bales of cotton on board when she left Calcassieu

Pass, and the same on board when taken, which was put on board in April and May, 1862.

14th interrogate. To the fourteenth interrogatory deponent
23 answers that he don't know.

15th interrogate. To the fifteenth interrogatory deponent answers that he don't know.

16th interrogate. To the sixteenth interrogatory deponent answers that the cargo was put on board at Calcassieu Pass, on the coast of Louisiana, between the 27th of April and the 3rd of May, 1862. It was to be delivered at Havana to the best of his knowledge, and further he saith not.

17th interrogate. To the seventeenth interrogatory deponent answers that he don't know.

18th interrogate. To the eighteenth interrogatory deponent answers that he had no letters, papers, or documents relating to the vessel or cargo; he don't know what letters, papers, or documents were on board.

19th interrogate. To the nineteenth interrogatory deponent answers that she was in lat. about 24° N., long. about 84° W., when taken on the 9th day of June, 1862, at daylight in the morning. There was no charter party to his knowledge.

20th interrogate. To the twentieth interrogatory deponent answers that he don't know what papers were on board. He kept a log-book from the day of sailing from Calcassieu. No papers of any kind destroyed in any manner, or concealed on board, to his knowledge.

21st interrogate. To the twenty-first interrogatory deponent answers that he knew that the people in Louisiana were in a state of war with the United States, and that the United States naval forces were blockading the ports of that State when the Baigorry left Calcassieu Pass.

24 22d interrogate. To the twenty-second interrogatory deponent answers that he knew of the proclamation of blockade, by the President of the United States, of the Louisiana ports; further he saith not.

23d interrogate. To the twenty-third interrogatory deponent answers that the register of the vessel was not examined by any officer of the United States, before the capture, to his knowledge.

24th interrogate. To the twenty-fourth interrogatory deponent answers that he don't know.

25th interrogate. To the twenty-fifth interrogatory deponent answers that she has not been before seized to his knowledge.

26th. interrogate. To the twenty-sixth interrogatory deponent answers that he would only lose his wages; no indemnity, or satisfaction, or promise thereof, has been received for this loss.

27th interrogate. To the twenty-seventh interrogatory deponent answers that he don't know.

28th interrogate. To the twenty-eighth interrogatory deponent answers that he don't know.

29th interrogate. To the twenty-ninth interrogatory deponent answers that the cotton on board was brought from New Orleans.

30th interrogate. To the thirtieth interrogatory deponent answers that the cargo was brought down the Calcassieu river on a three-masted barge, and put on board at Calcassien Pass between the 27th of April and the 3d of May.

31st interrogate. To the thirty-first interrogatory deponent answers that he don't know.

25 32d interrogate. To the thirty-second interrogatory deponent answers that the officers of the Bainbridge took some papers from the vessel on the day of capture; he don't know where they are now.

33d interrogate. To the thirty-third interrogatory deponent answers that bulk was not broken.

34th interrogate. To the thirty-fourth interrogatory deponent answers that there were two passengers on board. He does not know their names; both French. He does not know their profession or occupation. They came on board at Calcassieu Pass, and were going to Havana; he does not know on what business. They had no interest in the vessel or cargo, or authority over it, to his knowledge. No one secreted on board. He don't know the residence of the crew.

35th interrogate. To the thirty-fifth interrogatory deponent answers that he knows nothing about the papers relating to the vessel or cargo. He believes the passengers had passports. He don't know where any letters or papers are relating to the vessel or cargo. He has only signed the shipping articles.

36th interrogate. To the thirty-sixth interrogatory deponent answers that he first saw the Bainbridge on the afternoon before the capture, about 4 o'clock. The Baigorry was steering southeast by east for Havana; the wind was about north. She hauled on the wind when it was discovered that the Bainbridge was hove to, and headed about east-northeast, and afterwards, at 8 o'clock p. m., tacked

26 ship and stood to the westward, and afterwards again headed for Havana, as near as the wind would permit, till she saw the Bainbridge. She had not headed for any other port. He saw steamships at a distance off the coast twice while the Baigorry lay at Calcassieu Pass. He don't know what they were.

37th interrogate. To the thirty-seventh interrogatory deponent answers that he don't know.

38th interrogate. To the thirty-eighth interrogatory deponent answers that she had no guns mounted on board. The captain had a revolver and one passenger a gun, with ammunition for them. No other articles of the kinds enquired about on board.

39th interrogate. To the thirty-ninth interrogatory deponent answers that he has no knowledge of the ownership of the vessel or cargo. She was going to Havana.

40th interrogate. To the fortieth interrogatory deponent answers she had no convoy, nor any instructions or directions to his knowledge.

41st interrogate. To the forty-first interrogatory deponent answers that she came out of Calcassieu Pass on the 26th of May, about 12 o'clock, and proceeded to sea. The ports of the State of Louisiana

were then declared to be blockaded, but he did not see any blockading vessels then on the coast.

42d interrogate. To the forty-second interrogatory deponent answers, not to his knowledge.

43d interrogate. To the forty-third interrogatory deponent
27 answers, not to his knowledge.

1st additional interrogate. To the first additional interrogatory deponent answers that she would have entered Havana first had she not been seized; he don't know where next.

2d additional interrogate. To the second additional interrogatory deponent answers, that she draws about seven feet when fully laden with a heavy cargo. She drew about five feet and a half when taken. She is full of cotton below, and has thirty-three bales on deck.

3d additional interrogate. To the third additional interrogatory deponent answers that he did not hear any one say anything about her running or breaking any blockade after going to Havana.

(Signed) AUGUSTUS WILLIAMSON.

Sworn and subscribed before me this 17th day of June, A. D. 1862.

(Signed) GEORGE D. ALLEN,
28 *Prize Commissioner.*

29 *Declaration of ownership.*

Name of ship.	British or foreign built.	Provisional port of registry.	How propelled.
Baigorry	Foreign	Havana	By sail.

Number of decks ..... One.
Number of masts ..... Two.
Rigging ..... Schooner.
Stern ..... Square.
Build ..... Carvel.
Gallery ..... None.
Head ..... Plain.
Framework ..... Wood.

MEASUREMENTS.

	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aft side of the head of the stern-post	84	9
Main breadth to outside of plank	23	
Depth of hold from tonnage deck to ceiling at midships ..	6	

TONNAGE.

	No. of tons.
Tonnage under tonnage deck	$103\frac{13}{95}$
Closed in spaces above deck, viz:	
Space or spaces between decks	
Poop	
American measurement, total	$103\frac{13}{95}$

I, the undersigned, Frederick Thensted, of St. Kitts, presently residing at New Orleans, declare as follows: I am a natural born British subject, born at St. Kitts, British West Indies, and have never taken the oath of allegiance to any foreign State. The ship, the description of which is prefixed to this, my declaration, was built at Philadelphia, U. S., in the year , and her foreign name is "Three Brothers."

(S'g.) Bernard Renaud, of New Orleans, is the master of the said ship.

30 I am entitled to be registered as sole owner of said ship.

To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the merchant's shipping at 1854 qualified to be owners of British ships is entitled, as owners, to any interest whatever, either legal or beneficial, in the said ship; and I make this solemn declaration, conscientiously believing the same to be true.

Dated at Havana, the fourteenth day of January, 1862.

(S'g.) FREDERICK THENSTED.

Made and subscribed by the above-named Frederick Thensted in the presence of me.

[SEAL.] JOS. T. CRAWFORD,
Consul General in Cuba.

31 *Provisional certificate of ownership.*

No. 30. HAVANA, 14*th January*, 1862.

Name of ship.	British or foreign built.	Provisional port of registry.	How propelled.
Baigorry	Foreign	Havana	By sails.

Number of decks	One.
Number of masts	Two.
Rigging	Schooner.
Stern	Square.
Build	Carvel.
Gallery	None.
Head	Plain.
Framework	Wood.

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MEASUREMENTS.

	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aft side of the head of the stern-post	84	9
Main breadth to outside of plank	23	
Depth in hold from tonnage deck to ceiling at midships	6	

TONNAGE.

	No. of tons.
Tonnage under tonnage deck	$103\frac{13}{95}$
Closed in spaces above do., viz:	
Space or spaces between decks	
Poop	
American measurement, total	$103\frac{13}{95}$

I, the undersigned, Joseph Tucker Crawford, esquire, C. B., her Britannic majesty's consul general in Cuba, &c., hereby certify that the ship the description of which is prefixed to this my certificate has been duly surveyed, and that the above description is true.

Bernard Renaud, of Bordery, is the master of the said ship. The said ship was built at Philadelphia, U. S., date not known, and her foreign name is "Three Brothers."

32 The person whose name is hereunder written is owner of said ship.

Name of the owner within mentioned.	No. of sixty-fourth share.
Frederick Thensted, of St. Kitts, British West Indies.	Sixty-four.

Dated at Havana the 14th day of January, 1862.

[SEAL.] (S'g.) JOS. T. CRAWFORD,
Consul General in Cuba.

NOTE.—This provisional certificate of registry continues in force only until the 14th day of July, 1862, or until she completes her voyage from Havana to some port at which there is a British registrar, whichever first happens.

J. T. C.

I, the undersigned, notary, do hereby certify that by an act passed before me on the 17th day of February, 1862, the vessel called the Baigorry is mortgaged and hypothecated by Frederick Thensted unto Adolphe Mennet, to secure payment of the sum of five thousand dollars, amount of two promissory notes of over date, payable in sixty days after date.

New Orleans, March 29th, 1862.

(S'g.) ROBERT J. KER, N. P.

Name of ship.	Port of registry.	No. and date of registry.	Burden.	Name of master.	No. of his certificate.	Date and place of first signature, including name of shipping office.
Schooner Baigorry	Havana		103	B. Renaud		1862. New Orleans. R. J. Wade.

The several persons whose names are hereto subscribed hereby agree to serve on board the said ship, in the several capacities expressed against their respective names, on a voyage from New Orleans to the Island of Cuba, on a general trading voyage. And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship, and the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which service to be duly performed the said master hereby agrees to pay the said crew as wages the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or willful or negligent destruction of any part of the ship's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement, or otherwise, he shall represent the same to the master, or officer in charge of the ship, in a quiet and orderly manner, who shall thereupon take such steps as the case may require.

In witness whereof, the said parties have ascribed their names hereto, on the days against their respective signatures mentioned.

Signed by ———, master, on the ——— day of entry.

The authority of the owner or agent for the advances made below is in my possession.

(S'g) R. J. WADE, *Shipping Master.*

Signatures of crew.	Age.	Town or country where born.	Ship on which he last served and port she belonged to.	Place and time of entry.	In what capacity engaged, and, if mate, number of certificate, if any.	Time at which he is to be on board.	Amount of wages per month, share, or voyage. £ s. d.	Amount of wages advanced on entry. £ s. d.	Shipping master's signature or initials.	Name of suttler for advanced money paid to seamen.
Bernard Renaud	----	France		NewOrleans.	Master		15 " "	15 " "	R. J. Wade.	
Augustus Williamson	----	----		----	Mate		15 " "	15 " "	---do----	R. J. Wade
Antonia Comata	----	Spain		----	2nd do		8 " "	8 " "	---do----	S. Pablo
Joseph Deborme	----	France		----	Cook		8 " "	" " "	---do----	Capt. Renaud
Antonia Rossi	----	France		----	Seaman		5 " "	5 " "	---do----	Antonia Frietas
Pasqual Vallery	----	Italy	Sch. Hermosa	----	---do----		5 " "	5 " "	---do----	C. H. Parent
Geffrey Henry	----	Italy		----	---do----		5 " "	5 " "	---do----	---do----
J. Lacarge	----	France	Ship Empress	----	---do----		5 " "	5 " "	---do----	Capt. Renaud
Pedro Claristier	----	Spain	Sch. Hermosa	----	---do----		5 " "	5 " "	---do----	H. Parent
Antoine Rossi	----	Italie	Sch'r Corse	----	---do----		6 " "	" " "	---do----	

35 CONFEDERATE STATES OF AMERICA,
District and Port of New Orleans.

To all whom these presents may come:

We, the collector and naval officer of the port of New Orleans, do, by these presents, certify and make known that the captain, officers, seamen and passengers of the Br. schooner called the Baigorry, laden with a cargo as per manifest herewith, and of which Bernard Renaud is captain, consisting of nine officers and seaman, passengers, now ready to proceed on a voyage to Havana. And we do further certify that no contagious or dangerous disease at present prevails or exists at this port or its vicinity.

Given under our hands, and the seal of the custom-house, at New Orleans, in the fourteenth day of April, in the year of our Lord, one thousand eight huudred and sixty-two.

(S'g) P. E. WALDEN, *Collector.*
(S'g) JH. GENOIS, *Naval Officer.*

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37 CONFEDERATE STATES OF AMERICA,
District and port of New Orleans.

These are to certify all whom it does concern: that Bernard Renaud, master or commander of Br. sch'n'r Baigorry, burden 103 tons, or thereabouts, mounted with no guns, navigated with nine men, British built, and bound for Havana, having on board a cargo as per manifest annexed, hath here entered and cleared his vessel according to law.

Given under our hands and seal, at the custom-house of New Orleans, this fourteenth day of April, one thousand eight hundred and sixty-two.

(S'g) P. E. WALDEN, *Collector.*
(S'g) JH. GENOIS, *Naval Officer.*

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39 *Report and manifest of the cargo laden at the port of New Orleans on board of the Brit. schooner Baigorry, whereof B. Renaud is master, bound for Havana.*

Names of shippers.	Marks.	Nos.	Packages of articles in bulk.	Contents or quantities.	Value at this port of exportation.
					Dollars. Cents.
Justin Durel.....	S R	1—108	108		
	B	1—137	137		
	B Y	1—5	5		
			250 bales of cotton.....	113,241 lbs.....	$9,655 44

This vessel has nothing more on board but what is declared in the manifest, and none of the articles specified are prohibited for fear of epidemic diseases or other causes.

(S'g) B. RENAUD.

NEW ORLEANS, *April* 14, '62.

El Consul de D. M. Catolica en esta plaza y sus dependencias. Certifico que el presente manifesto es copia fiel sel que gueda en esta oficina de mi cargo y del que en esta fecha se remite el Yllmo Sor Intendente de la isla de Cuba siendo los efectos que en el mismo se expresan producto de este pais.

[SEAL.]

MAN'L CALLYOR,
El Consul des M. C.

NEUVA ORLEANS, 14 *de April de* 186 .

40 DISTRICT OF NEW ORLEANS,
Port of New Orleans:

I, B. Renaud, master or commander of the Brit. sch'r Baigorry, bound from the port New Orleans to Havana, do solemnly, sincerely and truly swear, that the manifest of the cargo on board the said Brit. sch'r. now delivered by me to the collector of the district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just and true account of the goods, wares and merchandise now actually laden on board of said vessel, and of the value thereof; and if any other goods, wares and merchandise shall be laden or put on board the said Brit. schooner previous to her sailing from this port, I will immediately report the same to the collector. I do also swear that I do verily believe that the duties on all the foreign merchandise therein specified have been secured according to law, and that no part thereof is intended to be relanded within the United States; and that if by distress or other unavoidable accident it shall become necessary to reland the same, and will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God.

(S'g) B. RENAUAD.

Sworn to this 14th day of April, 1862, before me.

(S'g) P. E. WALDEN, *Col.*

41 Shipped in good order and condition, by Casxillo & Harispe, on board the sch'r called the Baigorry, whereof Renaud is master, now lying at the port of New Orleans and bound for Havana, to say, 250, (two hundred and fifty) bales cotton, No. 113, 241 lbs.

S R	1-108	108 bales.
B	1-137	137 "
B Y	1-5	5 "
		250 bales.

Being marked and numbered as in the margin, and are to be delivered in the like order and condition at the port of Havana, the dangers of the sea only excepted, unto Messrs. Ch's Caro & Co., or to their assigns, he or they paying freight for the said cotton as per agreement, with primage and average accustomed. In witness whereof, the master or purser of the said vessel hath affirmed to 3 bills of lading, all of this tenor and date, one of which being accomplished, the other to stand void.

Dated in New Orleans, the 15th day of April, 1862.

42 (S'g) B. RENAUD.

43 UNITED STATES OF AMERICA,
District court of the United States, southern district of Florida.

I, George D. Allen, clerk of the district court of the United States, for the southern district of Florida, do hereby certify that the preceding forty-two pages contain a correct transcript of the record of this court in the case of—

THE UNITED STATES
vs.
THE SCHOONER BAIGORRY and CARGO. } Prize.

Lately adjudicated in this court, and appeal from the final decree thereof having been taken to the Supreme Court of the United States.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, at Key West, in said district, on the fourteenth day of May, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States the eighty-seventh.

[SEAL.]

GEORGE D. ALLEN, *Clerk.*

Filed 21st May, 1863.